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~~CONFIDENTIAL AND SILENT~~

28 September 1954

OFFICE OF PERSONNEL MEMORANDUM NO. 20-645-7

SUBJECT: Grant of Terminal Annual Leave

1. In Decision No. B-120074 dated 10 August 1954, the Comptroller General of the United States has emphasized that administrative officials are not permitted unlimited discretion in determining whether an employee should be carried on the rolls in a terminal leave status and granted leave on leave as distinguished from the procedure of separating an employee and paying him a lump sum for leave effective as of the last date of his service.

2. The general rule respecting administrative authority to grant terminal, annual or vacation leave immediately prior to separation from the service, where it is known in advance that the employee is to be separated, is stated in 24 CG 511: "The provisions of the act of December 21, 1944, respecting lump-sum payments for accumulated and current accrued annual or vacation leave upon separation from service, are mandatory, and terminal annual or vacation leave may not be granted immediately prior to separation from service in any case where it is known in advance that an employee is to be separated from service" (underscoring supplied). Since the enactment of Public Law 102, 83rd Congress, which limited lump-sum leave payments, certain exceptions to that rule, based upon overriding statutory provisions and statutory regulations, have been recognized in subsequent CG decisions.

3. Exercise of administrative discretion as to the grant of terminal annual or vacation leave is limited to those cases in which the grant of such leave is clearly in the interests of the United States.

STATINTL

  
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